

SR



UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

RE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

09/224,376 12/31/98 HARVELL

J 709000

┌

TM02/0413

┐

EXAMINER

CARR & STORM
670 FOUNDERS SQUARE
900 JACKSON STREET
DALLAS TX 75202

CHANG, J	
ART UNIT	PAPER NUMBER

2154

DATE MAILED:

04/13/01

5

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

SR

Office Action Summary

Application No.

09/224,376

Applicant(s)

HARVELL, JOSEPH C.

Examiner

Jungwon Chang

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- 1) ☒ Responsive to communication(s) filed on 26 June 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some * c) ☐ None of the CERTIFIED copies of the priority documents have been:
1. ☐ received.
2. ☐ received in Application No. (Series Code / Serial Number) _____.
3. ☐ received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

Attachment(s)

- 14) ☒ Notice of References Cited (PTO-892)
- 15) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 16) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 17) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 18) ☐ Notice of Informal Patent Application (PTO-152)
- 19) ☐ Other: _____.

Art Unit: 2154

DETAILED ACTION

1. Claims 1-8 are presented for examination.
2. It is noted that although the present application does contain line numbers in the specification and claims, the line numbers in the claims do not correspond to the preferred format. The preferred format is to number each line of every claim, with each claim beginning with line 1. For ease of reference by both the Examiner and Applicant all future correspondence should include the recommended line numbering.
3. Claims 2 and 8 are rejected under U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
 - a. The following terms lack proper antecedent basis:
 - i. the resource records – claim 8;
 - b. The claim language in the following claims is not clearly understood
 - i. As to claim 2, it is not clear whether “the computer outside the network” refers to “the second computer outside the network”.

Art Unit: 2154

Claim Rejections - 35 USC § 102

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4. Claims 1-2 and 4-5 and 7-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Feit (US 6,178,439 B1).
5. As to claim 1, Feit discloses the invention as claimed, including a method for determining whether a network is connected to the Internet (col. 1, lines 5-7), comprising:
 - configuring a first computer (client #1- client #n, fig. 1) in the network to periodically generate a heartbeat message to a second computer outside the network (12, fig. 1; col. 3, lines 64-67 to col. 4, lines 1-6); and
 - configuring the second computer to determine whether the heartbeat message is being received, the receipt of which is indicative that the network is connected to the Internet (col. 4, lines 18-21; col. 5, lines 30-40; col. 9, lines 31-34).
6. As to claim 2, Feit discloses the second computer is a primary master domain name server (12, fig. 7; col. 13, lines 46-55).
7. As to claim 4, Feit discloses second computer establishing a maximum frequency at which the first computer may send a heartbeat message (col. 4, lines 21-27; col. 12, lines 17-18; Figs. 3-4).

Art Unit: 2154

8. As to claim 5, Feit discloses first computer changing the frequency of generating the heartbeat (Figs. 3-4; col. 6, lines 28-43; col. 7, lines 55-65; col. 16, line 10).
9. As to claim 7, Feit discloses defining the number of consecutive heartbeats, which are not received to constitute a disconnection (col. 6, lines 7-14).
10. As to claim 8, Feit discloses validating resource records (col. 13, lines 46-67).

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Feit (US 6,178,439 B1).
13. As to claim 6, Feit does not specifically disclose first computer notifying the second computer when the frequency of generating the heartbeat is decreased. However, Feit discloses

Art Unit: 2154

second computer can identify when the first computer has left a page and how long the first computer has accessed a page based on the frequency of generating the heartbeat (col. 6, lines 11-13; col. 8, lines 7-9). It would have obvious to one of ordinary skill in the art at the time the invention was made to include first computer notifying the second computer in Feit's system, because Feit's system would not process communication between first computer and second computer efficiently without information of first computer's access activity.

14. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Feit (US 6,178,439 B1), as applied to claims 1-2 and 4-8 above, in view of Caronni et al. (US 6,195,751 B1).

15. As to claim 3, Feit does not specifically disclose heartbeat message is authenticated.

16. However, Caronni et al. disclose heartbeat message is authenticated (col. 12, lines 26-36).

17. It would have obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Feit and Caronni et al. because Caronni et al's authenticated heartbeat message would provide more secure information for the process of determining the identify of a user attempting to access a system.

Art Unit: 2154

Conclusion

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

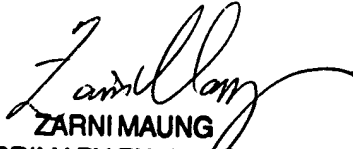
Mattaway et al., patent 6,185,184 B1, Low et al., patent 6,131,095, Johnson et al., patent 6,205,477 B1, Alkhatib, patent 6,119,171, Kenyon, patent 6,199,065 B1 disclose network communications over the Internet.

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jungwon Chang whose telephone number is (703)305-9669. The examiner can normally be reached on 9:00-5:30 (Monday-Friday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (703)308-9052. The fax phone numbers for the organization where this application or proceeding is assigned are (703)306-5404 for regular communications and (703)306-5404 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.

Jungwon Chang
April 10, 2001


ZARNI MAUNG
PRIMARY EXAMINER